

1/13/99 11:09:48 AM
Page 1

1999 DRAFTING REQUEST

Bill

Received: **01/6/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Sarah**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters: **nilsepe**

Subject: **Criminal Law - law enforcement
Transportation - miscellaneous**

Extra Copies:

Topic:

Quotas for officers enforcing traffic regulations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 01/7/99	wjackson 01/11/99		_____			S&L
/1			lpaasch 01/11/99	_____	lrb_docadmin 01/11/99		S&L
/2	olsenje 01/11/99	ygeller 01/12/99	lpaasch 01/13/99	_____	lrb_docadmin 01/13/99	lrb_docadmin 01/13/99	

FE Sent For:

02-11-99

<END>

1/13/99 8:19:12 AM
Page 1

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/2	olsenje 01/11/99	ygeller 01/12/99	lpaasch 01/13/99	_____	lrb_docadmin 01/13/99		

FE Sent For:

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1/11/99 4:11:36 PM
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/?	olsenje 01/7/99	wjackson 01/11/99		_____			S&L
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FE Sent For:			LP 1-12	LP 1-12 JP <END>			

1/6/99 3:52:33 PM
Page 1.

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1/2	olsenje	1 WLj 1/8 1 jlg 1/10	1/11 LP.	1/11 LP. hml			

FE Sent For:

<END>

**BILL
REQUEST FORM**

JEO

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

1625

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft:

Rep. Johnson

Date: 1-5-98

Person submitting request (name, phone number):

Rep. Johnson

6-3534

Persons to contact for questions about this draft (names, phone numbers):

Rep. Johnson

6-3534

Describe the problem, including any helpful examples.

How do you want to solve the problem?

Please draft similar bill to Iowa's law

50624
0437
3884

- We had AB 639 last session - but would like to have this bill shorter & to the point, if possible?
Please call w/questions - Sarah Decorah 6-3534

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy.

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

● May we tell others that we are working on this for you?

☒ Yes ☐ No

● If yes: Anyone who asks?

☒ Yes ☐ No

Any legislator?

☒ Yes ☐ No

Only the following persons:

Do you consider this request urgent? ☐ Yes ☒ No

If yes, please indicate why:

Should we give this request priority over any other pending request of this legislator, agency or body? ☐ Yes ☒ No

If yes, sign your name here:

IOWA

321.488 - 321.493

MOTOR VEHICLES AND LAW OF ROAD

321.482 regardless of the disposition of the charge upon which the person was cited. Venue shall be in the county where the defendant was to appear or in the county where the person resides.

An appearance in response to such citation may be made either in person or by counsel.

321.488 Procedure not exclusive. The foregoing provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed herein shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

321.489 Record inadmissible in a civil action. No record of the conviction of any person for any violation of this chapter shall be admissible as evidence in any court in any civil action.

321.490 Conviction not to affect credibility. The conviction of a person upon a charge of violating any provision of this chapter or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

>321.491 Convictions and recommendations for suspension to be reported. [HF 2421.66, 76GA-2] Every district judge, district associate judge, and judicial magistrate shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law regulating the operation of vehicles on highways.

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract must be certified by the person preparing it to be true and correct.

The abstract must be made upon a form furnished by the department or by copying a uniform citation and complaint or by using an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the citation, and

must include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, the amount of the fine or forfeiture, and any court recommendation, if any, that the person's motor vehicle license be suspended. The department shall consider and act upon the recommendation.

Every clerk of a court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of an officer to comply with the requirements of this section shall constitute misconduct in office and shall be ground for removal from office.

All abstracts received by the department under this section shall be open to public inspection during reasonable business hours.

321.492 Peace officers' authority. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's motor vehicle license, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, load, back, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

All peace officers as defined in section 801.4, subsection 7, paragraphs "a", "b", "c", and "h" may, having reasonable grounds that equipment violations exist, conduct spot inspections.

The department may designate employees under the supervision of the department's administrator of motor vehicles to conduct spot inspections.

Referred to in section(s) 321.238

>321.492A Quotas on citations prohibited. [SF 2080.25, 76GA-2] A political subdivision or agency of the state shall not order, mandate, require, or in any other manner, directly or indirectly, suggest to a peace officer employed by the political subdivision or agency that the peace officer shall issue a certain number of traffic citations, police citations, memorandums of traffic violations, or memorandums of faulty equipment on a daily, weekly, monthly, quarterly, or yearly basis.

CIVIL LIABILITY

>321.493 Liability for damages. [HF 504, 76GA-1]

1. In all cases where damage is done by any motor

1997 ASSEMBLY BILL 639

December 2, 1997 – Introduced by Representatives JOHNSRUD, MUSSER, HASENOHRL, SCHNEIDER, TURNER, DUFF, R. YOUNG, GOETSCH, OLSEN, PLOUFF, ZUKOWSKI, SERATTI, HUTCHISON, RYBA, KAUFERT, FREESE, HUEBSCH, MEYER, OURADA, SKINDRUD, GARD, ROBSON, GRONEMUS, DOBYNS, RILEY, HANSON, BAUMGART, LINTON, J. LEHMAN, POWERS, KEDZIE, AINSWORTH, HARSDF, SYKORA, OWENS, KLUSMAN, LORGE, NASS, M. LEHMAN, SCHAFFER, WARD, HOVEN, WALKER, GUNDERSON, ALBERS, UNDERHEIM, PORTER, KREIBICH, R. POTTER, STEINBRINK, KREUSER, HANDRICK, GROTHMAN, BOYLE, REYNOLDS, KRUSICK, BALDWIN, MURAT, F. LASEE, ZIEGELBAUER, JENSEN, OTTE and LAZICH, cosponsored by Senators MOEN, JAUCH, DRZEWIECKI, A. LASEE, FARROW, ROESSLER, RISSER, ELLIS, RUDE, BRESKE, COWLES, ZIEN, ADELMAN, HUELSMAN and WINEKE. Referred to Committee on Criminal Justice and Corrections.

- 1 **AN ACT to create** 164.055 of the statutes; **relating to:** prohibiting requirements
2 that law enforcement officers meet arrest, citation or other quotas in the
3 enforcement of state and local laws.

Analysis by the Legislative Reference Bureau

Current law provides certain rights to law enforcement officers, such as the right to engage in political activity when not on duty or not otherwise acting in an official capacity and, when being interrogated as part of a disciplinary investigation, the right to be informed of the nature of the investigation and to have a representative present during the investigation. These rights may not be abridged by a collective bargaining agreement, and a law enforcement officer may not be discharged, disciplined, demoted or otherwise discriminated against in regard to employment because he or she exercises any of his or her rights.

This bill provides law enforcement officers with the right to be free from meeting certain quotas relating to law enforcement. Specifically, the bill specifies that a law enforcement officer employed by the state or by a city, village, town or county may not be required to do any of the following: 1) issue a specific number or a minimum or maximum number of citations, complaints or warning notices during any specified time period; 2) stop a specific number or a minimum or maximum number of persons or vehicles during any specified time period for the purpose of preventing or detecting violations of any law or ordinance or enforcing any law or ordinance; or 3) make a specific number or a minimum or maximum number of arrests during any specified time period. As under current law, this right may not be abridged by a collective bargaining agreement, and a law enforcement officer may not be discharged, disciplined, demoted or otherwise discriminated against in regard to employment because he or she refuses to meet a quota prohibited under the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 164.055 of the statutes is created to read:

164.055 Quotas relating to the enforcement of laws prohibited. No law enforcement officer may be directly or indirectly required to do any of the following:

(1) Issue a specific number, or a minimum or maximum number, of citations, complaints or warning notices during any specified time period.

(2) Stop a specific number, or a minimum or maximum number, of persons during any specified time period for the purpose of preventing or detecting violations of any law or ordinance or enforcing any law or ordinance.

(3) Stop or inspect a specific number, or a minimum or maximum number, of vehicles during any specified time period for the purpose of preventing or detecting violations of any law or ordinance or enforcing any law or ordinance.

(4) Make a specific number, or a minimum or maximum number, of arrests during any specified time period.

(END)

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 639**

January 28, 1998 - Offered by Representative JOHNSRUD.

1 **AN ACT to create** 164.055 of the statutes; **relating to:** prohibiting requirements
2 that law enforcement officers meet citation or arrest quotas in the enforcement
3 of state and local traffic laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 164.055 of the statutes is created to read:

5 **164.055 Quotas relating to the enforcement of traffic regulations**
6 **prohibited.** (1) In this section, "traffic regulation" means a provision of chs. 194
7 or 341 to 348 or an ordinance enacted in accordance with ch. 349.

8 **(2)** No law enforcement officer may be required to do any of the following:

9 (a) Issue a specific number of citations, complaints or warning notices during
10 any specified time period for violations of traffic regulations.

11 (b) Stop a specific number of persons or vehicles during any specified time
12 period for the purpose of preventing or detecting violations of traffic regulations.

1 (c) Make a specific number of arrests during any specified time period for
2 violations of traffic regulations.

3 (3) The number of citations, complaints or warning notices issued by a law
4 enforcement officer for violations of traffic regulations and the number of traffic
5 stops and arrests made by a law enforcement officer for violations of traffic
6 regulations may not be given greater consideration than any other factor that is used
7 in deciding the law enforcement officer's job assignment or promotion or in
8 evaluating the performance of the law enforcement officer.

9 (4) Subsections (2) and (3) may not be construed as superseding the duty of a
10 law enforcement officer to maintain public order, keep and preserve the peace,
11 protect the public health, safety and welfare and enforce the laws of this state.

12 (END)

p. 2 of ASA 2

1 (b) Stop a specific number of persons or vehicles during any specified time
2 period for the purpose of preventing or detecting violations of traffic regulations.

3 (c) Make a specific number of arrests during any specified time period for
4 violations of traffic regulations.

5 (3) The number of citations, complaints or warning notices issued by a law
6 enforcement officer for violations of traffic regulations and the number of traffic
7 stops and arrests made by a law enforcement officer for violations of traffic
8 regulations may not be given greater consideration than any other factor that is used
9 in deciding the law enforcement officer's job assignment or promotion or in
10 evaluating the performance of the law enforcement officer.

11 (4) Subsections (2) and (3) may not be construed as superseding the duty of a
12 law enforcement officer to maintain public order, keep and preserve the peace,
13 protect the public health, safety and welfare and enforce the laws of this state.

14 (END)



1999

Date (time)
needed

LRB - 1625 / 1

BILL

JED of PEN : WLJ :
JLG

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 639

March 17, 1998 Offered by Representative John Spitzer

- ① ~~AN ACT to create~~ 349.025 of the statutes ~~relating to~~ prohibiting requirements
 ② that law enforcement officers meet citation ~~or arrest~~ quotas in the enforcement
 ③ of state and local traffic laws.

ANALYSIS
INSERT

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 349.025 of the statutes is created to read:

349.025 Quotas relating to the enforcement of traffic regulations
 prohibited. (1) In this section:

- ⑦ (a) "Law enforcement officer" has the meaning given in s. ~~165.85~~ 165.85(2)(c)
 ⑧ (b) "Traffic regulation" means a provision of chs. 194 or 341 to 348 or an
 ordinance enacted in accordance with this chapter.

⑩ (2) No ~~law enforcement officer~~ a law enforcement officer may ~~be~~ required to do any of the following:

- ⑪ ~~no~~ no ~~Issue~~ a specific number of citations, complaints or warning notices during
 ⑫ any specified time period for violations of traffic regulations.

state agency or
political subdivision
of this state

(End)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1625/lins
JEO&PEN:.....

1 **ANALYSIS INSERT:**

Under current law, law enforcement officers are employed by the state and political subdivisions of the state for the purpose⁵ of detecting and preventing crime and enforcing laws or ordinances and generally are authorized to make arrests for violations of the laws or ordinances that they are employed to enforce. This bill prohibits a state agency or a political subdivision of the state from directly or indirectly requiring a law enforcement officer to issue, during any specified period of time, a specific number of citations, complaints or warning notices for violations of state or local traffic regulations.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2 **INSERT 1-7:**

3 (b) "Political subdivision"[✓] means a city, village, town or county.

4 (c) "State agency"[✓] means an office, commission, department or independent
5 agency in the executive branch of state government.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1625/1
JEO&PEN:wlj&jlg:lp

Soon D-Nok

1999 BILL

2
redraft
make
run

REGEN

- 1 AN ACT *to create* 349.025 of the statutes; **relating to:** prohibiting requirements
2 that law enforcement officers meet citation quotas in the enforcement of state
3 and local traffic laws.

Analysis by the Legislative Reference Bureau

Under current law, law enforcement officers are employed by the state and political subdivisions of the state for the purposes of detecting and preventing crime and enforcing laws or ordinances and generally are authorized to make arrests for violations of the laws or ordinances that they are employed to enforce. This bill prohibits a state agency or a political subdivision of the state from directly or indirectly requiring a law enforcement officer to issue, during any specified period of time, a specific number of citations, complaints or warning notices for violations of state or local traffic regulations.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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- 4 SECTION 1. 349.025 of the statutes is created to read:
5 349.025 Quotas relating to the enforcement of traffic regulations
6 prohibited. (1) In this section:

BILL

- 1 (a) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).
2 (b) "Political subdivision" means a city, village, town or county.
3 (c) "State agency" means an office, commission, department or independent
4 agency in the executive branch of state government.
5 (d) "Traffic regulation" means a provision of chs. 194 or 341 to 348 or an
6 ordinance enacted in accordance with this chapter.
7 (2) No state agency or political subdivision of this state may require a law
8 enforcement officer to issue a specific number of citations, complaints or warning
9 notices during any specified time period for violations of traffic regulations.

- 10 (b) Stop a specific number of persons or vehicles during any specified time
11 period for the purpose of preventing or detecting violations of traffic regulations.
12 (c) Make a specific number of arrests during any specified time period for
13 violations of traffic regulations.

14

(END)

LRB-1625/2 dn
JED & TEN:jlg:

D-Note

This redraft deletes material ~~in-~~
advertently included in the ~~draft~~ previous
draft.

JED

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1625/2dn
JEO&PEN;jlg:lp

January 12, 1999

This redraft deletes material inadvertently included in the previous draft.

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 1/13/99

To: Representative Johnsrud

Relating to LRB drafting number: LRB-1625

Topic

Quotas for officers enforcing traffic regulations

Subject(s)

Criminal Law - law enforcement, Transportation - miscellaneous

1. **JACKET** the draft for introduction 

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jcfren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906